

OFFICE OF CONSERVATION

STATE OF LOUISIANA

IN RE: GROUND WATER *

MANAGEMENT COMMISSION *

REPORT OF MEETING

HELD AT

BATON ROUGE, LOUISIANA

JANUARY 14, 2002

OFFICE OF CONSERVATION

STATE OF LOUISIANA

IN RE: GROUND WATER *

MANAGEMENT COMMISSION *

Report of the public meeting held by the Ground
Water Management Commission, State of Louisiana, on
January 14, 2002, in Baton Rouge, Louisiana.

COMMISSION MEMBERS IN ATTENDANCE:

Karen Gautreaux, Chairman

Phil Boudreaux, Assistant Commissioner of Conservation

Zahir "Bo" Bolourchi, Secretary, DOTD

George Cardwell, Capital Area Ground Water Commission

William "Bill" Cefalu, Police Jury Association

Peggy Gantt, Louisiana Municipal Association

Dale Givens, Secretary, DEQ

Fulbert Leon Namwamba, Geologist

Brad Spicer, Agriculture & Forestry

John Roussel, Assistant Secretary Wildlife & Fisheries

Linda Zaunbrecher, Farm Bureau Member

Dean Lowe, Department of Health and Hospitals

Len Bahr, Governor's Office of Coastal Affairs

AGENDA

- I. Call to Order
- II. Update on Ground Water Management Staff Activities
- III. Reports from the Advisory Task Force Committees
- IV. Advisory Task Force Discussion/Comments
- V. New Business
- VI. Public Comments
- VII. Schedule for Next Meeting
- VIII. Adjourn

GROUND WATER MANAGEMENT COMMISSION

MEETING OF JANUARY 14, 2002

* * * * *

COMMISSIONER GAUTREAUX:

I would like to ask the Commissioners to go around and introduce themselves, please. For the record, I'm Karen Gautreaux, chair, Governor Foster's office.

COMMISSIONER BOUDREAUX:

Phil Boudreaux with the Office of Conservation representing the Department of Natural Resources.

COMMISSIONER GIVENS:

Dale Givens, Department of Environmental Quality.

COMMISSIONER ZAUNBRECHER:

Linda Zaunbrecher, Louisiana Farm Bureau.

COMMISSIONER CARDWELL:

George Cardwell, Capital Area Ground Water Conservation Commission.

COMMISSIONER ROUSSEL:

John Roussel, Department of Wildlife and Fisheries.

COMMISSIONER SPICER:

Brad Spicer, Louisiana Department of Agriculture and Forestry.

COMMISSIONER BAHR:

Len Bahr, Governor Foster's office.

COMMISSIONER BOLOURCHI:

Bo Bolourchi, DOTD, Water Resources Section.

COMMISSIONER CEFALU:

Bill Cefalu, St. Mary Parish President

1 representing the Police Jury Association.

2 COMMISSIONER GANTT:

3 Peggy Gantt representing the Louisiana Municipal
4 Association.

5 MR. LOWE:

6 Dean Lowe representing Dr. Guidry and DHH.

7 COMMISSIONER GAUTREAUX:

8 Thank you. The first item on the agenda is the
9 Ground Water Staff Report, which Tony Duplechin will
10 provide.

11 MR. DUPLCHIN:

12 Thank you. Since the last Commission meeting,
13 the Staff has received an additional 53 water well
14 information sheets, which has brought the total number
15 of sheets received to 208. Three just causes were
16 issued since the last Commission meeting: a test hole
17 for the town of Broussard, an agricultural well for an
18 individual who needed it done on short notice, and an
19 irrigation well for the Copper Mill Golf Course up in
20 Zachary, which is going to I believe be owned and
21 operated by Baton Rouge Recreation and Parks
22 Commission, and this was also short notice for getting
23 this well in. They wanted to go ahead and start their
24 irrigation work.

25 We are still having a little trouble with owners
26 of wells not submitting their information sheets in a
27 timely manner. We received eight forms that did not
28 give the proper 60-day notice and the owners did not
29 request a just cause variance. One form was sent in
30 after the well had been completed, and there again the

1 owner did not request just cause.

2 Our investigation into creating a water well
3 database on Department of Natural Resources Strategic
4 Online Natural Resource Information System, or SONRIS,
5 has concluded that without precise GIS information it
6 would be impractical to try and show where the wells
7 were on a map format. As an alternative suggestion,
8 we put forward the thought of just putting the well
9 information sheets on the web site, scanning them and
10 putting the actual sheets that can be called up by
11 parish.

12 The following items were updated or added to the
13 web site: the meeting transcript and transcript
14 summaries from the last Commission meeting have been
15 posted, and a meeting summary from the last Task Force
16 meeting has been posted as well. Announcements and
17 agendas for Commission and Task Force meetings are
18 posted on the web site monthly, and a copy of the
19 latest emergency rule is also posted on the web site.

20 The Staff has received the final press release
21 from the Outreach Committee and has forwarded it to
22 the Governor's office for final review and
23 distribution. Some changes have been made since it
24 was forwarded to the Governor's office, and I'm not
25 sure if a copy of that was included in the
26 Commissioners' packets, but if not, we will get that
27 to them. Once we are satisfied with that press
28 release, we will be posting it on the web site as
29 well.

30 Since the last Commission meeting, staff members

1 of the Ground Water Commission Staff have attended
2 several meetings. The Technical Committee meeting of
3 the Capital Area Ground Water Conservation Commission
4 was attended. It was held on December 4th at the U.S.
5 Geological Survey office here in Baton Rouge. The
6 meeting consisted of reviews of several cooperative
7 projects with the USGS. Of interest to the Commission
8 were the 2001 potentiometric maps of the 1,200 and
9 1,500' Sands. The 1,200' Sand showed a 20' decline in
10 the past 10 years, and the 1,500' Sand showed a 10 to
11 15' decline over the last ten years. In addition the
12 1,500' Sand in the vicinity of Government Street
13 showed a recharge from influx of water from the 800'
14 Sand. The maps for the 400, 600, and 800' Sands will
15 be completed in about six months.

16 Staff members also attended the full Capital Area
17 Ground Water Conservation Commission meeting on
18 December 11, 2001, but no items of specific interest
19 to the Commission were discussed. The Technical
20 Committee of the Ground Water Management Commission
21 met on December 17th at USGS. Information and
22 contacts from various federal and state agencies were
23 given to the consultant, and Charlie Demas of USGS
24 will talk about this later during committee reports.
25 Also, the Outreach Committee had a meeting on January
26 9th, and the Outreach Committee will address that as
27 well.

28 One final item on the staff report. We received
29 a letter from the Louisiana Ground Water Association
30 expressing their concern for having to register

1 domestic wells with the Ground Water Management
2 Commission. The Office of Conservation drafted a
3 response and replied to Mr. Larry Dean Williamson,
4 President of LGWA. This morning we had a little bit
5 further discussion on the matter of domestic wells,
6 and had some thoughts by Senators Hoyt and
7 Representative Daniel, both authors of the bill. And
8 we as the Staff will investigate the need to get the
9 domestic well information from the drillers and/or
10 owners upon whom the responsibility ultimately falls,
11 as opposed to just getting the information that is
12 already filed with DOTD. Any questions?

13 COMMISSIONER BOLOURCHI:

14 Madame Chairperson, I have some concerns in
15 regard to that subject matter. Is this the right time
16 to bring this up?

17 COMMISSIONER GAUTREAUX:

18 I think it's the right time, and just let me tell
19 you, Bo, that based on the legislature indications or
20 clarification of intent, it looks as though we will
21 probably be looking at the DOTD database, getting
22 those for domestic, and I know you have some other
23 concerns, I don't want to stop you from expressing
24 those, but we are going to be getting together and I
25 would recommend that you be present when Staff gets
26 together to discuss these issues and decide how we're
27 going to move forward.

28 COMMISSIONER BOLOURCHI:

29 I'm concerned, Madame Chairperson, that the
30 Staff, which is, I presume, is the staff to this

1 Commission, takes action without actually bringing to
2 the attention of this Commission and getting approval.
3 Specifically, a letter dated December 13th was
4 addressed to all the water well drillers and water
5 well owners under the name of Philip Asprodites. The
6 memorandum is unsigned. It basically goes on, just
7 being brief, requiring these people -- they speak on
8 the behalf of the Commission, and I think that's what
9 my concern is that anything that speaks for this
10 Commission, as a Commissioner I feel should be brought
11 to the Commission so that we all understand what we're
12 sending out to the general public.

13 It says all water wells are to be -- that are to
14 be installed after July 1st, it should be
15 preregistered and preapproved by the Office of
16 Conservation. I want to bring to attention, and I
17 want -- and by the way, as a Commissioner I did not
18 receive a copy of this letter. I don't believe any of
19 the Commissioner have received it. The day it hit the
20 street I had a dozen faxed to me with a lot of
21 complaint from owners and water well drillers. With
22 your permission I'd like to pass a copy of that
23 letter, and a copy of the legislation that says
24 specifically what wells -- let me just read it, if I
25 may.

26 Section C of Act 446 of 2001, it says, "Beginning
27 July 1, 2001, for any water well which is drilled for
28 purposes other than domestic, and which is not a
29 replacement well, the owner shall submit to the
30 Commissioner of Conservation certain information."

1 I'm not an attorney, but this is clear cut that the
2 intent of legislation was not to get involved in
3 domestic and replacement wells. That's number one.

4 At the last Commission meeting the package that
5 was passed by the staff member, I asked Tony that a
6 page was missing. I asked what is that missing page,
7 and he said, oh, that's -- I got the impression that's
8 the same old forms that they've been using. This
9 letter send a requirement to the water well owners,
10 which basically is a duplication of the Water Well
11 Registration Act of 1972, which is being implemented
12 by another agency. This form also requires
13 information on monitor wells and recovery wells. They
14 define a monitor well and recovery well as, quote, a
15 well employed to monitor or remove contamination from
16 ground water.

17 I want to remind you that the Act 446, the final
18 act, it defines the well, 38:3099.2(3), "well or water
19 well shall mean any well drilled or constructed for
20 the principal purpose of producing ground water." I
21 submit to you that 25' monitor well that is put around
22 the services station to monitor possible contamination
23 of the water table is not a producing well. That
24 never was. I'm concerned that this type of
25 information is put to the general public, and not only
26 contacting other state agencies but regulatory
27 authorities in these matters, but also not bringing it
28 to the attention of this Commission.

29 COMMISSIONER GAUTREAUX:

30 Thank you, Bo. First I'd like to say that I

1 think all of your concerns will be discussed at the
2 meeting, which I certainly want to make sure you're
3 present at so that we're all clear. In regards to not
4 passing before the Commission, what I think has
5 happened here is that the Commission -- the
6 Conservation Staff does have a function as staff, and
7 I think when they think they have an understanding of
8 the issue and they're carrying out technical details,
9 that it's probably not something that you would get
10 Commission approval on. Having said that, however, I
11 think we're all here because of our relative areas of
12 interest and expertise, and will probably be helpful
13 when we issue guidance to -- before they're issued to
14 copy the Commissioners and ask for a quick review so
15 that if there is a concern, we can listen to it. So I
16 think that that was a very honest attempt to try to
17 interpret what they had understood from the
18 legislation and subsequent conversations, and
19 sometimes conversations throughout the legislative
20 process to try to understand intent. Phil, I don't
21 know if you want to add anything.

22 COMMISSIONER BOUDREAUX:

23 That kind of sums it up. Bo, originally we had
24 taken the same interpretation of the legislation, and
25 at the time of the orientation earlier in the program,
26 I think the Staff had been led to believe in their
27 discussions that the intent of the legislation was to
28 get information on all wells, and that's why that had
29 changed. The interpretation, at least the Staff's
30 understanding of that interpretation was that all

1 wells should be included, and a new memo was drafted
2 for that purpose. But I think Ms. Gautreaux is
3 correct, any additional documents that are sent out or
4 for published dissemination by the Staff will be
5 reviewed before the Commission before they do.

6 COMMISSIONER BOLOURCHI:

7 Thank you.

8 COMMISSIONER GAUTREAUX:

9 With that, unless there are any further comments
10 on the Ground Water Staff activities, we will move on
11 to the next agenda item.

12 COMMISSIONER CEFALU:

13 I had one question for Bo.

14 COMMISSIONER GAUTREAUX:

15 I'm sorry. Mr. Cefalu.

16 COMMISSIONER CEFALU:

17 What you were just discussing about the form that
18 the drillers are having to fill out in conjunction
19 with the property owners since it was put that the
20 domestic wells were not going to have to be reporting,
21 I have -- I don't think I have an opinion yet either
22 way, is there some other legislation, I guess is the
23 question, that requires the drillers to send in a form
24 for every well they drill no matter whether it's
25 domestic or not?

26 COMMISSIONER BOLOURCHI:

27 Yes, sir. Since November 1, 1985, every water
28 well with the exception of oil, gas, and injection
29 well are required by law under the penalty of \$1,000 a
30 day if they do not file.

1 COMMISSIONER CEFALU:

2 So a driller already knows he has to send in a
3 form for a well, a domestic well that he is drilling?

4 COMMISSIONER BOLOURCHI:

5 That's correct, and that --

6 COMMISSIONER CEFALU:

7 So this is a duplication of what he's already
8 doing? Other than the fact that originally it was the
9 intent that the property owner was going to send in
10 the paperwork, but since, like it says, they didn't
11 want to send one to everybody in the state, they
12 decided to send that request to the drillers to show
13 the property owner that they have to do it. I guess
14 that's basically it.

15 COMMISSIONER BOLOURCHI:

16 There are two issues. Issue number one is
17 domestic wells, based on what I read in here --

18 COMMISSIONER CEFALU:

19 Shouldn't even have to be registered.

20 COMMISSIONER BOLOURCHI:

21 -- shouldn't even have been -- it's not really a
22 registration. There's no information is required to
23 be sent to the Office of Conservation. That also goes
24 with replacement wells. If you have a well on your
25 property and something goes wrong with it and you have
26 to replace it, based on this new legislation, you
27 don't have to send any information. Automatically you
28 can go to your licensed driller and have him drill it
29 and never register with DOTD.

30 COMMISSIONER CEFALU:

1 Right. But that well is already registered;
2 right?

3 COMMISSIONER BOLOURCHI:

4 In case of domestic I would say a good number of
5 them, but if it's prior to November 1, 1985, there's a
6 good possibility they are not registered.

7 COMMISSIONER CEFALU:

8 But the fact that the driller was registering all
9 those domestic wells anyway since '85, we're getting
10 -- my concern is that we get all the information we
11 need to have on what's impacting the aquifers, and if
12 -- of course, maybe we need to duplicate some of the
13 paperwork to make sure we get it, but if the drillers
14 are required by law to report any and every well, even
15 domestic when they drill one, then maybe this other
16 paperwork is unnecessary, other than getting the
17 property owner's name and address.

18 COMMISSIONER BOLOURCHI:

19 You're absolutely right, and just for your
20 information, our data file is electronically submitted
21 once a month. In fact, it went between the 10th and
22 the 15th of the month, it just happened it went this
23 morning, I checked my e-mail. We sent the entire copy
24 to DEQ, one to DNR, and one to USGS. So they have
25 direct access. And I'm not -- I don't want to get
26 involved into -- between agencies and that type of
27 thing.

28 COMMISSIONER CEFALU:

29 Good. Don't get me involved in it either.

30 COMMISSIONER BOLOURCHI:

1 Right. We're here to provide any information,
2 any and all information to any state or even private
3 industry that are interested in the water well
4 registration data file.

5 COMMISSIONER CEFALU:

6 One other thing I want to bring up. You
7 mentioned the point about the files kept, and unless
8 it's kept on GPS it's hard -- the mapping thing
9 probably is -- I don't know that we need a GPS as much
10 as we need to know what aquifer it's tapped into. I
11 think if the aquifer information is there, where that
12 well is at on the aquifer really doesn't matter in
13 trying to come up with legislation. Does it matter?

14 COMMISSIONER GIVENS:

15 Bill, I think that I would have to disagree with
16 that because you could have a concentration of wells
17 in an aquifer that covers maybe half of the state or a
18 fourth of the state, and we need to really know where
19 it is so that you can see what the concentrations are
20 and what the pressure might be.

21 COMMISSIONER CEFALU:

22 Okay, for other purposes. Well, is this some
23 type of -- I mean, do we have to send some type of
24 request to the state requesting some instrumentation
25 so that the Department can get that information? I
26 mean, we're putting together a file here that's going
27 to hopefully be used or be good enough to be used for
28 the next 20 or 30 years, and this procedure, I'm one
29 for let's get it right the first time and let's not
30 have to go back and try and rebuild another file at a

1 later date because we don't have the instruments at
2 hand.

3 MR. KILLEEN:

4 I think the reason that we chose not to do it
5 now, and I think Mr. Bolourchi will probably address
6 this also, is that the forms that are coming in that
7 we are seeing physically do not have good quality
8 locational information. As I understand it in Mr.
9 Bolourchi's program, they do send field people out to
10 get a GPS coordinate of wells. For us to generate a
11 coordinate that may be different than the one that's
12 generated later by Mr. Bolourchi would add confusion
13 to the system, and I think it's appropriate at this
14 point, since the owner of the well that's sending in
15 the information to us is not sending in good quality
16 locational information, to wait and rely on the
17 information that we get from Mr. Bolourchi's database.

18 It was hoped, I think, by the legislation that we
19 would get good quality information. A review of some
20 of the forms that have come in have not given us good
21 information either on precise locations or aquifers,
22 and I think that's something the Commission may want
23 to look at down the road as to how to get better
24 quality information from whatever source. But at this
25 point in time the information that we're getting is
26 not of a quality that we'd feel comfortable putting it
27 -- giving it an X,Y coordinate and putting it in the
28 GIS system.

29 COMMISSIONER CEFALU:

30 If you had a reputable GPS, I mean, you could get

1 a good coordinate.

2 MR. KILLEEN:

3 We could, yes, and I think Mr. Bolourchi's staff
4 is --

5 COMMISSIONER CEFALU:

6 Does that tell you where it's at?

7 MR. KILLEEN:

8 Right. Mr. Bolourchi's staff is collecting data.

9 COMMISSIONER BOLOURCHI:

10 Let me add this. Every water well that is
11 drilled, our inspector goes to the site, inspects the
12 well to make sure it's constructed according to the
13 promulgated standards, establishes latitude,
14 longitude, section, township, range, and that
15 information within 30 days, it goes on Internet. It's
16 been on Internet since August, 1997. All that
17 information is available.

18 COMMISSIONER CEFALU:

19 The GPS --

20 COMMISSIONER BOLOURCHI:

21 GPS reading, inspection, location, a schematic,
22 all that is already available. I never thought that
23 -- obviously none of us want to duplicate the data
24 that is being collected by other state agencies. I
25 believe that perhaps some staff member may not be as
26 aware as what's available.

27 COMMISSIONER CEFALU:

28 I think they need to become aware because I don't
29 want to see duplication nor do I want to see us
30 missing out on necessary information to make good

1 decisions. I mean, I haven't gotten to the point yet,
2 I'm just learning right now what's going on, but y'all
3 working in the State Department, y'all have been
4 dealing with this for years, but I have to make
5 decisions on this Commission that's going to affect a
6 lot of people in the association, and I'm concerned
7 about all constituents, being in politics like I am.
8 But we need to make sure we get good information. The
9 old saying, junk in and junk out with the computer
10 industry, I mean, today everything is so high tech, we
11 want to make sure we get good information. And if we
12 need a GPS reading and somebody has that GPS reading,
13 we should have those put into that file, you know,
14 instead of coming back at a later date and doing it.
15 If you've got to share files, I'm sure that's
16 possible.

17 MR. KILLEEN:

18 We are currently sharing files, and I think the
19 difference in the legislation, the legislation
20 requires some information prior to drilling the well,
21 DOTD collects information following the drilling of
22 the well. It will be up to the pleasure of the
23 Commission once these critical ground water areas are
24 established as to how much detailed information is
25 collected on the front end, and I think that will be
26 occurring at some point in time.

27 COMMISSIONER BOLOURCHI:

28 I agree with that for the critical ground water
29 areas, but we don't know what those areas are. So in
30 my opinion we need to go back to the first form that

1 was sent out, which was very simple and
2 understandable, rather than the duplication of the
3 water well registration process.

4 COMMISSIONER GAUTREAUX:

5 As I stated, I think what we need to do is get
6 together as a Staff with the interested members of the
7 Commission, review our information needs, identify any
8 problem areas we're having so that we're all on the
9 same sheet of music, and also keep in mind that we
10 want to make the period before July of 2003, when this
11 structure is slated to sunset, we want to make sure
12 that we have something in place that makes as much
13 sense as we can to that point, but also to feed in all
14 these issues into the proposed policy that we have to
15 provide to the Legislature in January. So I look
16 forward to working with the interested members and, of
17 course, what we'll do is report at our next Commission
18 meeting the results of that meeting, if that's okay
19 with the Commissioners.

20 COMMISSIONER BOLOURCHI:

21 One other, with all due respect to Tony, he was
22 on vacation when some of this took place. I just want
23 to clear that out.

24 COMMISSIONER GAUTREAUX:

25 Thank you. It's not your fault, Tony, for the
26 record. And also for the record I would like to
27 mention that Dr. Namwamba has joined us.

28 All right, Herschel, I think -- we'll let that
29 member of the Advisory Task Force speak on this issue
30 since it is about well drilling. Come to the table,

1 Herschel, please, so we can catch you on record. Tell
2 everybody who might not know you who you are.

3 MR. BOURQUE:

4 My name is Herschel Bourque. I'm with Louisiana
5 Ground Water Association. And on this lat/long
6 paperwork, if you want to get it on the Internet, it's
7 really easy to obtain. All you need to do is get the
8 latitude, longitude, and break it down into a five-
9 mile radius or a one-mile radius. One particular well
10 I broke down to a one-mile radius to get the reading
11 of it and see if it was registered. It showed it had
12 75 wells within a one-mile radius of this well.
13 Anyone can get it. All you have to do is get on the
14 Internet. It's updated regularly. It's easy to
15 obtain. It's nothing out of the ordinary.

16 Some of the water well drillers are starting to
17 use latitude and longitude, some of them don't. But
18 eventually I think they would all use it, and it's
19 real easy to run it down.

20 COMMISSIONER GAUTREAUX:

21 Thank you, Herschel. And I would just like to
22 mention for those of you that don't know, Herschel is
23 a member of the Ground Water Management Advisory Task
24 Force. Thank you.

25 Any questions on the Staff activities? Are we
26 were ready to move on?

27 (No response.)

28 We will have now the report from the Advisory
29 Task Force committees. I'm just going to call out to
30 the best of my memory the ones that had reports this

1 morning, so if you're on a committee that I skip,
2 please let me know. First the Business and Industrial
3 Committee.

4 MR. GRAHAM:

5 My name is Henry Graham with the Louisiana
6 Chemical Association, and the Industrial Committee
7 reported to the Task Force this morning that we are in
8 the process of gathering information from the major
9 industrial users regarding surface water and ground
10 water usage. We've sent a survey out in December
11 asking for responses by the end of January, and we
12 hope to report the summary of the results at the next
13 Advisory Task Force meeting. This is not intended to
14 replace the more accurate data that you may have on
15 annual usages that's already being collected, but it's
16 to try to give us a better handle internally of what
17 types of uses our companies are making of the ground
18 water and the surface water that they have right now.

19 COMMISSIONER GAUTREAUX:

20 Thank you, Henry. As I said this morning, it's
21 going to be very valuable information. The Outreach
22 Committee. Linda?

23 MS. WALKER:

24 Linda Walker with the League of Women Voters.
25 And the Outreach Committee met January 9th. Our next
26 meeting will be February 6th. We had 21 people attend
27 the meeting on the 9th, which we met here at the Farm
28 Bureau in Baton Rouge. We got a lot of work done. We
29 had a rough draft of a proposal of short-term and
30 long-term plans. We have fine-tuned our proposal, and

1 just except for some minor tweaking are probably
2 through with the short-term proposal. We should work
3 through the long-term proposal in February, and then
4 have a complete plan to present after that.

5 We were the group that were responsible for
6 getting the article to which I believe is now in the
7 Governor's office. We really would like to see the
8 press releases start coming out because there has been
9 concern that we've been hearing information from
10 outsiders giving opinions of what they see, but they
11 haven't been getting the information for the real work
12 that's being done by the Commission. And that really
13 needs to start getting out in a systematic manner, and
14 we look forward to seeing some other articles come
15 out.

16 I do have a request. I asked the Task Force this
17 morning and I'm going to ask everyone here in the
18 room, any organizations that you represent that would
19 have a newsletter, would you please get that
20 information on how to get information to the
21 newsletter, let's say the newsletter editor, mailing
22 address, and please give it to Charlotte back here,
23 the staff person, so it all goes to one place, so that
24 all information then, we have outlets to the people
25 that would really be concerned. And we also would
26 like to be sure that we know what all the issues are
27 so as we develop information we can make sure we get
28 it out. And you'll be hearing more from us.

29 COMMISSIONER GAUTREAUX:

30 Thank you, Linda. Any questions?

1 (No response.)

2 Thank you. Our Technical Committee, which is
3 also I think for the most part absorbed most of the
4 membership of the Surface and Ground Water
5 Subcommittee, Charlie, if you want to give that
6 report, please.

7 MR. DEMAS:

8 Charlie Demas, U.S. Geological Survey. We met on
9 December 17th. All the agencies and the universities
10 that are on the Task Force were present or sent
11 information. We provided the consultants with the
12 addresses of all the databases. We also provided them
13 with a large bibliographic search, and also any
14 ongoing, current research that's going on by the
15 universities. At this point I think the Technical
16 Committee is through with their charge.

17 COMMISSIONER GAUTREAUX:

18 I have a feeling that's not quite so, but it
19 sounds like a great start. As I also mentioned this
20 morning, I was very encouraged to note the
21 participation by those that are not members of
22 agencies. We had great agency participation, but a
23 lot of our business, conservation, organization, et
24 cetera, other partners were there as well, some of
25 which I know traveled from the Ruston area. Olivia.
26 So we appreciate all those that made the distance.

27 Am I missing a subcommittee that reported this
28 morning?

29 (No response.)

30 Thank you. This is not necessarily a

1 subcommittee but I guess it's the best spot. I think
2 we probably for future meetings need to insert a spot
3 for our consultants, but we'll just make C.H.
4 Fenstermaker today a subcommittee. And Bruce Darling,
5 do you want to give us an update?

6 MR. DARLING:

7 My name is Bruce Darling. I'm with LBG-Guyton
8 Associates. We're sub-consultants to C.H.
9 Fenstermaker and Associates on this project. We have
10 been very busy here since -- well, especially within
11 the last month. I will give you a rundown of what
12 we've accomplished and where we are. We've been
13 working on the design of the web site, and we would
14 like to have the web site up and running by the end of
15 January. This will provide an effective means of
16 communicating with the members of the Commission, with
17 the members of the Task Force, the various
18 subcommittees that both the Commission and the Task
19 Force have set up, and also with the public. We
20 remind you, however, that anything that will be put
21 out on the web site must first have DNR approval. And
22 so -- because we understand that this will be a very
23 tightly controlled web site, but we know based on our
24 experience in Texas and elsewhere with water planning
25 that web sites are a highly effective means of keeping
26 the public informed of the technical and economic and
27 political issues associated with water planning.

28 I attended the Sparta Aquifer Commission meeting
29 in Ruston on the 14th, as did a number of you. After
30 the meeting I contacted URS, the consulting firm that

1 developed the ground water model for the Commission,
2 and had a very long talk with the engineer who
3 directed the development of the model, and we'll get
4 together with her in the very near future to discuss
5 the technical details that I think we need to be aware
6 of; when we sit down to make some determination about
7 critical or potentially critical status that we're all
8 talking the same language here.

9 I've also collected information on ground water
10 models developed in Acadia Parish and southwest
11 Louisiana. I've had extensive discussions with Dale
12 Neimann and others. Our objective there is to compile
13 as much information as we can so that we can make
14 reasonable assessments of the Chicot Aquifer, and
15 we're also going to be looking closely at the Southern
16 Hills Aquifer and other areas where models have been
17 developed.

18 We are setting up the GIS files for this project.
19 We're in the early stages of that. And as this
20 proceeds, especially over the next month, you'll begin
21 to see a good deal of production in terms of how we're
22 going to structure this GIS for the project. A matter
23 that has taken a good deal of my time is work on
24 population and water demand. I have collected all the
25 published data from the U.S. Geological Survey back to
26 1960. We now have 2000 numbers, which are still
27 preliminary, and we also have the population numbers
28 through 1960 as well. We are now working to try to
29 make projections of population and water demand on a
30 sector by sector basis over a 20-year period. The

1 idea there is to give you some idea where water demand
2 is going in the State of Louisiana and how it might
3 vary from one sector to another, and when I say sector
4 I mean the municipal sector as opposed to the
5 industrial sector and the agricultural sector, and
6 how, for example, rice irrigation -- demand for water
7 by rice irrigators would differ from demand for water
8 by other sectors of the agriculture economy. As I
9 said, this is going to be something that we'll try to
10 project out over a period of 20 years.

11 We're also preparing as an educational document
12 for the members of the Commission and for the Task
13 Force a summary of water planning projects in other
14 states. The objective there is to give you some idea
15 of what are the basic concepts behind water planning
16 and how different states with their different
17 approaches to this matter have approached the matter
18 of water planning so that you can make informed
19 decisions here regarding the need to develop a water
20 plan for Louisiana.

21 So we are -- we are working quickly and furiously
22 on all of this right now. We are compiling a lot of
23 data. We will over the course of the next few weeks
24 be looking very closely at the data to determine --
25 make some determination regarding the completeness and
26 the quality of the data and to identify those areas
27 where we might need more data, where you might need
28 more data over a period of time, and to make
29 recommendations regarding programs that might help you
30 collect that data as well. That's where we are. Are

1 there any questions?

2 COMMISSIONER GAUTREAUX:

3 Questions from Commission members? Mr. Cefalu,
4 then Fulbert.

5 COMMISSIONER CEFALU:

6 Yes. On the water demand, are you segregating
7 ground water from surface water?

8 MR. DARLING:

9 Yes, we are. We're breaking it apart, ground
10 water and surface water.

11 COMMISSIONER CEFALU:

12 Are you taking the actual water usages from
13 meters read or just doing it by population?

14 MR. DARLING:

15 These are -- no, these are from water pumpage
16 numbers compiled by the U.S. Geological Survey. The
17 Survey runs a -- the USGS runs a survey every five
18 years on water usage, water pumpage. That's ground
19 water and surface water in Louisiana. And so we are
20 using their data because they are the best -- that's
21 the best data around.

22 COMMISSIONER CEFALU:

23 And that's going to show raw water service or
24 vintage water service in surface water facilities; do
25 you know?

26 MR. DARLING:

27 Essentially, the USGS numbers break water pumpage
28 into two categories, ground water and surface water.
29 Now, what happens beyond that, where the water is
30 treated or not, is not something that I'm going to

1 look at. But I'm looking at ground water pumpage, for
2 example, reported for municipal use.

3 COMMISSIONER CEFALU:

4 You're just talking about raw water that's taken
5 in?

6 MR. DARLING:

7 Yes.

8 COMMISSIONER CEFALU:

9 Okay, that's cool.

10 MR. DARLING:

11 Right. And we are looking at surface water as
12 well.

13 COMMISSIONER CEFALU:

14 Well, surface water, you know, there's so much --
15 there's a percentage of that that really goes back to
16 source, and actually it all does through the sewage
17 treatment systems today. But my concern was that if
18 you're looking at consumption, did you look at the
19 actual usage at the home, or you're just looking at
20 the bulk that's coming into the plants?

21 MR. DARLING:

22 I'll have to ask Charlie Demas to address that
23 issue specifically, but the numbers that are reported
24 to the USGS are the pumpage numbers, I understand,
25 that municipalities report to the USGS.

26 COMMISSIONER CEFALU:

27 And they report what's raw water source intake?

28 MR. DARLING:

29 Yes.

30 COMMISSIONER CEFALU:

1 Which is good. But the thing is is that once you
2 process water and once you go through your sewage
3 treatment systems and you have a discharge, you
4 replenish surface waters. I don't know that the same
5 thing happens with ground waters. I think that's snow
6 and rain.

7 MR. DARLING:

8 Not as readily.

9 COMMISSIONER CEFALU:

10 Not as readily?

11 MR. DARLING:

12 Right.

13 COMMISSIONER CEFALU:

14 But anyway. So what my concerns are is the
15 impact on ground water and surface water is going to
16 be a lot different from what information you bring in.

17 MR. DARLING:

18 Certainly it will, and depending upon the
19 specific aquifer you're looking at, for example.

20 COMMISSIONER CEFALU:

21 But you're not taking into consideration the
22 discharges of sewage treatment facilities?

23 MR. DARLING:

24 I don't think that the USGS takes that into
25 account. We may ask Charlie for some clarification on
26 that.

27 COMMISSIONER GAUTREAUX:

28 Charlie, come on down, please. See, you're
29 already at work again.

30 MR. DEMAS:

1 What we're looking at is the raw amount of water
2 that's used, not what's discharged back into the
3 stream. And just because it's discharged back into
4 the stream doesn't mean it's the same amount that goes
5 back in. I mean, you've got evaporation. Some of it
6 has got to be cleaned up. What temperature it goes
7 back in affects its usefulness. So there's a lot more
8 to the back end of that stuff. What we're trying to
9 accomplish is to find out how much of the resource is
10 being utilized, both from a ground water standpoint
11 and a surface water standpoint.

12 COMMISSIONER CEFALU:

13 And I understand what you're saying, it's just
14 that if we're going to get good information on really
15 impacts, and I'm not saying the surface water is
16 impacted at all, it's just that there is water being
17 discharged back into the surface planes. Of course,
18 your tidal flows, and we haven't -- where we're at
19 really don't matter. Most of that water is going
20 downstream anyway, probably won't be used. But
21 there's places above us using surface water that's
22 discharging back into the system, and I'm sure some
23 industrials that are using it for cooling and heating
24 and it's discharging back into the system. So it's
25 depletion -- you're going to show a depletion if you
26 don't show the water being discharged back into the
27 system. I want to get good information to make good
28 decisions, because you can't treat surface water like
29 ground water -- and depletion.

30 MR. DEMAS:

1 Okay. All we're talking about is use, not
2 depletion. Okay. Ground water that's used, if we
3 take the tact that you're talking about, is actually
4 being discharged somewhere, probably into a surface
5 water source. What we're talking about is how much of
6 that ground water that we have out there is being
7 used. From a surface water standpoint, we're saying,
8 okay, we're withdrawing so much water. We're not
9 saying it's not going back in. That information is
10 available from the discharge stations that are
11 operated on these streams.

12 COMMISSIONER CEFALU:

13 I probably don't have a problem with surface
14 waters anyway.

15 MR. DEMAS:

16 Well, it depends on the size of the stream,
17 obviously.

18 COMMISSIONER CEFALU:

19 So you're still not taking into consideration all
20 the groundwater that's being discharged surfacely.

21 MR. DEMAS:

22 It shows up in the discharge measurements that we
23 make on streams. For instance, probably --

24 COMMISSIONER CEFALU:

25 All your discharge permits should handle all of
26 that.

27 MR. DEMAS:

28 They should have that.

29 COMMISSIONER CEFALU:

30 Okay. Thank you.

1 COMMISSIONER GAUTREAUX:

2 Dr. Namwamba, you were next.

3 COMMISSIONER NAMWAMBA:

4 Dr. Fulbert Namwamba. You talked about the
5 development of a GIS. I wanted to know a little bit
6 more detail, what GIS's you're opting for, how
7 accessible the data is, how exportable the data is,
8 and how flexible the data is.

9 MR. DARLING:

10 Well, we committed to develop a GIS in any format
11 that was acceptable to the Committee. The latest
12 version of ArcView is the version of GIS that we
13 settled on, and currently not all of it is readily
14 accessible. We haven't put the coverages together
15 yet. But the objective is to have a final product
16 that is a user-friendly product; that is, one that can
17 be accessed with a minimal amount of pain and effort
18 on the part of those who are seeking access to the
19 data. I can't give you specific details about that
20 right now, and I would really refer you to Brad
21 Hamilton with C.H. Fenstermaker who can discuss that
22 in greater detail since he is overseeing the
23 development of this GIS.

24 COMMISSIONER NAMWAMBA:

25 I would appreciate if I can get in touch with
26 him, because with ArcView, there is an ArcView 3.2A
27 and there is an ArcView 8.1, but it's relating to
28 ArcInfo. So what I'm trying to say is, the latest may
29 not necessarily be the most flexible or the most
30 accessible, but I will get in touch with him.

1 MR. DARLING:

2 We are certainly -- we're certainly willing to
3 experiment with either one, with both, and if you have
4 recommendations regarding which one you think would be
5 the better version to use, we would certainly
6 appreciate any input that you might have there.

7 COMMISSIONER GAUTREAUX:

8 Bruce, if you can. I know, Dr. Namwamba, we have
9 the numbers at the Office of Conservation, the Staff
10 has the numbers for Brad and Bruce, but also if we can
11 make sure that those numbers are exchanged before we
12 go away today so you'll be able to touch base.

13 Bo, you had a comment on the previous topic?

14 COMMISSIONER BOLOURCHI:

15 I was just going to try to -- you had some
16 concern as to water use versus water consumed,
17 consumption versus use. The water use refer to
18 pumpage. For your case you can just asterisk it and
19 say so many percent of it is being returned to the
20 river. Some of the industrial plants and power
21 generating plants that use surface water, they do
22 that. For instance, there's a power plant on Caddo
23 Lake; 97 percent of that water is returned back into
24 the lake. So you can asterisk it and just bring it to
25 their attention. Thank you.

26 COMMISSIONER GAUTREAUX:

27 Under new business, the committee -- the
28 Commission rather, excuse me, had requested that we
29 get some clarification on the Home Rule Charter issue
30 versus the state's authority, and Jim Marchand has

1 prepared a little discussion for you, or presentation.

2 MR. MARCHAND:

3 Thank you. I'm Jim Marchand with the Governor's
4 office, and I've been asked to look into just some of
5 the questions regarding where the state and local
6 governments meet on this issue of management of water,
7 ground water.

8 Basically there are three forms of local
9 government. There's a pre-'74 Constitution Home Rule
10 Charter, a post-'74 Constitution Home Rule Charter,
11 and a non-Home Rule Charter local government. All of
12 them have a little different power basis. Pre-'74
13 Constitution, its laws in relation to state laws have
14 to be consistent with the Constitution. Their charter
15 -- and there's also some language in some of the cases
16 that say that it can only be as far as what they're
17 doing in 1974. However, there's no cases that are
18 decided on the activities under Home Rule Charters in
19 '74, or on the activities that they are undertaking in
20 '74 at the time of the new Constitution, so there's
21 really no guidance as to what that means exactly.

22 Under the Home Rule Charter provisions, which is
23 Article VI of the '74 Constitution, there are a couple
24 of things that are reserved to the local governments.
25 One of them is zoning, and the other is that the state
26 laws cannot affect the distribution and structure of
27 local governments. There's also a couple of things
28 denied to local Home Rule Charters. One of them is
29 defining felonies, the local governments can't define
30 and enforce penalties on felonies, and the other is

1 that they cannot deal with civil or private
2 relationships.

3 The other couple of important articles dealing
4 with Home Rule Charters for this purpose is that
5 Article VI, Section 9, which is a very general
6 provision that says notwithstanding any other
7 provisions in this article, meaning Article VI, the
8 police power of the State shall never be abridged.
9 Now, there are other places in the Constitution that
10 basically reserve powers to the Legislature or the
11 State, and a couple of those involve gambling, the
12 structure or makeup of the courts, natural resources,
13 wildlife and fisheries included in natural gas, and
14 then successions, and then taxes, which they also have
15 some local provisions to authorize local governments
16 under some taxing issues.

17 What occurs is that all of these get mixed up in
18 the jurisprudence. Some of these powers that are
19 reserved to the local governments often come into
20 conflict with some of the powers that are delegated or
21 reserved to the State. In those situations the
22 jurisprudence generally has said that there has to be
23 some harmony and some balancing between the local
24 power reserved to the State and the local power
25 delegated to the Home Rule Charter. However, in this
26 situation, and I'm going to talk specifically --
27 because we only have one local pre-'74 Home Rule
28 Charter that has enacted an ordinance dealing with
29 ground water, so we'll kind of look at that
30 specifically, and yet talk generally on Home Rule

1 Charter powers.

2 In the situation in Tangipahoa, because it deals
3 with one of the things reserved to the state, natural
4 resources where the state -- the law says basically
5 that the State shall protect the natural resources, or
6 the Constitution article says the State shall protect
7 the natural resources and the Legislature shall
8 implement laws to do so. In the situations where the
9 courts have come up against a -- with a reserved right
10 to the State and, no, that does not go against either
11 the zoning or the distribution of power to the local
12 government, they found in a few cases, and there
13 aren't that many, on behalf of the right of the State
14 to exercise their police powers and enforce the law
15 and have the last say on that. Then you have -- so
16 there are only actually two or three cases on that.

17 Then you have the situation where you have the
18 police power provision that I just talked about. And
19 there's a late case, Morial versus Smith & Wesson,
20 which basically said that in those cases where the
21 State is exercising the police power that for the
22 welfare of all citizens dealing with gun regulation of
23 gun manufacturers that they have that power regardless
24 of whether it's a pre-'74 Constitution Home Rule
25 Charter or a post-'74, so that the State would be able
26 to -- if we want to analogize ground water or the
27 importance of ground water and the importance of
28 firearm regulation, then you would possibly come to
29 the conclusion that the State would be able to
30 regulate ground water.

1 There's a little caveat in that Act 446 provides
2 that local governments will have some input into the
3 decisions of the Ground Water Commission. That may
4 give a local government an opportunity to say we want
5 to have some type of regulation that is not in
6 conflict with general state law to have input into
7 that decision-making process.

8 COMMISSIONER GAUTREAUX:

9 Thank you, Jim. Any questions from our
10 Commission members?

11 (No response.)

12 No? Thank you, Jim. Dr. Namwamba?

13 COMMISSIONER NAMWAMBA:

14 Could you put that on paper and --

15 MR. MARCHAND:

16 I'll try and get you something on paper.

17 COMMISSIONER GAUTREAUX:

18 Thanks. So Jim will get us something on paper.
19 Are there any other new business items or items of
20 discussion that the Commission members would like to
21 bring up?

22 (No response.)

23 No? Okay. Then it's time for -- well, we
24 usually have an opportunity for Advisory Task Force
25 comments, and we do. I'm sorry, I took new business
26 out of order. Excuse me. Any Advisory Task Force
27 comments or questions?

28 (No response.)

29 Good. Any other items, new item to be brought by
30 Commissioners?

1 (No response.)

2 Okay, public comments?

3 (No response.)

4 Well, we had a good meeting today, I guess. The
5 one thing that we need to do then, this morning we had
6 a request for a date and, Dr. Namwamba, Wednesday is
7 your better day; right? Not that we don't want to
8 consider the other Commissioners, but you have a
9 regular teaching responsibility, a real job. So we
10 were thinking about, given our short amount of time to
11 move forward, January is our deadline for making
12 recommendations for the comprehensive policy, it
13 probably would be a good idea to establish a monthly
14 meeting. And a month from today would be Ash
15 Wednesday, so we were thinking about -- or post Mardi
16 Gras, more significantly perhaps -- making it on the
17 20th that might have other commitments. Is the 20th a
18 good day for our Commissioners? Then after that --

19 MR. BAHR:

20 I have a conflict with that day.

21 COMMISSIONER CEFALU:

22 February 20th?

23 COMMISSIONER GAUTREAUX:

24 February 20th. Let's make it 1:30. And then
25 perhaps after that we can make it the third Wednesday
26 of the month so we can have a regular date to shoot
27 for. Then we'll get back with you on location.

28 COMMISSIONER CEFALU:

29 Is this building still going to be here?

30 COMMISSIONER GAUTREAUX:

1 I think the building will be, the people in it
2 may change. But I believe there's a meeting room in
3 the new building, but we'll work on that and get back
4 with you as quickly as possible. Do I have a motion
5 to adjourn?

6 COMMISSIONER SPICER:

7 So moved.

8 COMMISSIONER ZAUNBRECHER:

9 Second.

10 COMMISSIONER GAUTREAUX:

11 Motion by Mr. Spicer, second by Ms. Zaunbrecher.
12 No objection?

13 (No response.)

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CERTIFICATE

I, SUZETTE M. MAGEE, Certified Court Reporter, do hereby certify that the foregoing meeting was held on January 14, 2002, in the Mineral Board Hearing Room, State Land and Natural Resources Building, Baton Rouge, Louisiana; that I did report the proceedings thereof; that the foregoing pages, numbered 1 through 40, inclusive, constitute a true and correct transcript of the proceedings thereof.

SUZETTE M. MAGEE, CCR #93079

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